

# **Maine Center for Disease Control and Prevention WIC Nutrition Program**

Effective: October 1, 2012

Policy No. OM-6

Revised: August 1, 2015

## **Employee Fraud and Abuse**

### **Authority**

7 CFR §246.4(a)(26)

22 MRSA §255 and §1951

### **Policy**

1. Employees participating in the Maine CDC WIC Nutrition Program shall have the same rights, responsibilities and obligations as any other WIC participant.
2. Employees shall not certify themselves, family members or close friends in the Maine CDC WIC Nutrition Program.
3. As participants in the Maine CDC WIC Nutrition Program, employees shall not make case file documentation notes or issue benefits (food instruments/ cash-value vouchers or eWIC cards) to themselves, family members or close friends.
4. Local Agencies must have routine clinic staffing patterns that ensure that two (2) staff people are involved in certification of each applicant and participant.
5. Separation of duties during certification must be demonstrated. No individual employee shall determine eligibility for all certification criteria and issue program benefits (food instruments, cash-value vouchers, eWIC cards or supplemental food) for the same participant. Any clinic that operationally needs to be staffed by only one employee must be approved by the State Agency.
6. In the event that one person must complete the certification process alone, the Local Agency director must have identified a routine process to monitor client records for quality assurance and compliance with state and federal regulations as a fraud prevention measure.

### **Procedure**

1. For any clinics that are operated by only one staff person, the Local Agency director shall have safeguards in place to prevent fraudulent activities. Options include, but are not limited to the following:

- 1.1. Staff clinics with different people at subsequent clinics

- 1.2. Have adjunctive eligibility determination done by another staff member at the main site
  - 1.3. Perform routine chart audits and create a log of findings
  - 1.4. Conduct unscheduled site visits
2. When WIC staff are program participants or have relatives/close friends enrolled in the program, local agency management staff shall conduct regular file audits to ensure WIC staff members are not actively documenting in the records or involved in any way with benefit issuance.
3. Any deliberate effort to defraud or abuse the Maine CDC WIC Nutrition Program (whether or not the employee is a WIC participant) including, but not limited to the following, shall be considered an act of employee misconduct:
  - 3.1. Illegally taking WIC checks or eWIC cards
  - 3.2. Certifying fictitious participants
  - 3.3. Giving false/misleading information in order to become certified for WIC benefits
  - 3.4. Theft of formula or other food
4. Suspected intentional fraud or abuse shall be investigated by the Local Agency with assistance from the State Agency, and may require investigation through the DHHS Fraud Recovery Unit, Maine Office of the Attorney General and/or the local police department.
5. Action to be taken as a result of an investigation of fraud or abuse (whether or not the employee is a WIC participant), beyond sanctions applicable to WIC participants (see Policy *OM-7, Participant Abuse*, for an explanation of the participant sanction system), shall depend on Local Agency personnel policy and procedures concerning employee misconduct.
6. The State Agency shall require that the Local Agency promptly remove any Local Agency employee suspected to be abusing the Maine CDC WIC Nutrition Program from WIC benefit issuing or processing responsibilities until the Local Agency investigation is completed.